

**Commonwealth of Kentucky**  
**Natural Resources and Environmental Protection Cabinet**  
**Department for Environmental Protection**  
**Division for Air Quality**  
**803 Schenkel Lane**  
**Frankfort, Kentucky 40601**  
**(502) 573-3382**

**Title V**  
**AIR QUALITY PERMIT**  
**Issued under 401 KAR 52:020**

**Permittee Name:** Tokico (USA), Inc.  
**Mailing Address:** 301 Mayde Road, Berea, KY 40403

**Source Name:** Tokico (USA), Inc.  
**Mailing Address:** 301 Mayde Road  
Berea, KY 40403

**Source Location:** 301 Mayde Road, Kentucky

**Permit Number:** V-03-046  
**Log Number:** 50840  
**Review Type:** Operating  
**Source ID #:** 21-151-00042

**Regional Office:** Frankfort Regional Office  
643 Teton Trail, Suite B  
Frankfort, KY 40601-1758  
(502) 564-3358

**County:** Madison

**Application**  
**Complete Date:** August 18, 1999  
**Issuance Date:**  
**Expiration Date:**

---

**John S. Lyons, Director**  
**Division for Air Quality**

## TABLE OF CONTENTS

SECTION	DATE OF ISSUANCE	PAGE
A. PERMIT AUTHORIZATION		1
B. EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS		2
C. INSIGNIFICANT ACTIVITIES		8
D. SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS		9
E. SOURCE CONTROL EQUIPMENT OPERATING REQUIREMENTS		10
F. MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS		11
G. GENERAL PROVISIONS		14

<b>Rev #</b>	<b>Permit type</b>	<b>Log #</b>	<b>Complete Date</b>	<b>Issuance Date</b>	<b>Summary of Action</b>
<b>----</b>	<b>Initial Issuance</b>	<b>50840</b>	<b>8/18/99</b>		

## **SECTION A - PERMIT AUTHORIZATION**

Pursuant to a duly submitted application the Kentucky Division for Air Quality hereby authorizes the operation of the equipment described herein in accordance with the terms and conditions of this permit. This permit has been issued under the provisions of Kentucky Revised Statutes Chapter 224 and regulations promulgated pursuant thereto.

The permittee shall not construct, reconstruct, or modify any affected facilities without first having submitted a complete application and received a permit for the planned activity from the permitting authority, except as provided in this permit or in 401 KAR 52:020, Title V Permits.

Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by this Cabinet or any other federal, state, or local agency.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS****01 Electrostatic Spray Painting Operations**

EP01 Electrostatic Spray Booth #1

EP02 Electrostatic Spray Booth #2

**Description:**

Electrostatic Spray Paint Booths (2) for painting shock absorbers. EP01 has a capacity of 2.5 gal/hr while EP02 has a capacity of 1.3 gal/hr. They are controlled by dry booth filters. The coating used is Molton 808 (a water based paint), with Tokico Thinner 5050 in a 3:1 ratio.

Electrostatic Spray Booth #1, installed in 1999

Electrostatic Spray Booth #2, installed in 2001

**APPLICABLE REGULATIONS: 401 KAR 59:010, New Process Operations**

1. **Operating Limitations:** None
2. **Emission Limitations:**
  - A. Visible emissions shall not equal or exceed 20% opacity  
401 KAR 59:010, Section 3(1)b
  - B. Particulate emissions shall not equal or exceed 2.34 lbs/hour.  
401 KAR 59:010, Section 3(2)
  - C. VOC emissions shall not exceed 90 tons per year to preclude 401 KAR 59:225, new Miscellaneous metal parts and products surface coating operations as a major source.
3. **Testing Requirements:** Testing shall be conducted at such times as may be required by the cabinet in accordance with 401 KAR 59:005 Section 2(2) and 401 KAR 59:045 Section 4. Also see Section D.
4. **Specific Monitoring Requirements:** See permit Section D and Section 5 (below).
5. **Specific Recordkeeping Requirements:**

The following record shall be maintained for a period of 5 years:

  1. Monthly records of gallons of coating material applied.
  2. A rolling 12 month summary for each month showing tons of VOC and HAPs emitted
  3. All purchase information for materials containing VOC and HAPs shall be made available for inspection upon the request of any duly authorized representative of the Kentucky Division of Air Quality.
6. **Specific Reporting Requirements:** See Section F

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**7. Specific Control Equipment Operating Conditions:**

1. Booth filters shall be in place during all periods of operation.
2. Maintenance shall be conducted in accordance with manufacturer recommendations.
3. Maintenance log of filters shall be kept for a period of 5 years.

**8. Alternate Operating Scenarios: None**

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)****02 Chrome Plating Operations**

EP03	Chrome Plating line (CL1)
EP04	Chrome Plating line (CL2)
EP05	Chrome Plating line (CL3)
EP06	Chrome Plating line (CL4)

**Description:** Each is a hard chromium plating operation which processes a maximum of 360 pieces per hour and consumes about 1 gallon of chromic acid per hour. CL1 (1991), CL2 (1991), CL3(1992), and CL4(1994) are all manufactured by the Jessup Corporation.

**APPLICABLE REGULATIONS:** 40 CFR 63 Subpart N- National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; 401 KAR 59:010

**1. Operating Limitations:**

The permittee shall prepare an operation and maintenance plan to be implemented on startup. (This plan is incorporated by reference into this permit) §63.342(f)(3)

If the operating and maintenance plan fails to address or inadequately addresses an event that meets the characteristics of a malfunction at the time the plan is initially developed, the permittee shall revise the plan within 45 days after such an event occurs. The revised plan shall include procedures for operating and maintaining the process equipment, add-on air pollution control device, or monitoring equipment during similar malfunction events and a program for corrective action for such events.

If actions taken by the permittee during periods of malfunction are inconsistent with the procedures specified in the operating and maintenance plan, the permittee shall record the actions taken for that event and shall report by phone such actions within 2 working days after commencing actions inconsistent with the plan. This report shall be followed by a letter within seven working days after the end of the event, unless the permittee makes alternative reporting arrangements, in advance, with the Division.

The permittee shall keep the written operating and maintenance plan on record after it is developed to be made available for inspection, upon request, by the division for the life of the affected source or until the source is no longer subject to the provisions of 40 CFR 63 Subpart N. In addition, if the operation and maintenance plan is revised, the permittee shall keep previous versions of the operating and maintenance plan on record to be made available for inspections, upon request, by the Division for a period of 5 years after each revision to the plan. The requirements for the plan may be met using applicable standard operating procedures (SOP) manuals, Occupational Safety and Health Administration (OSHA) plans, or other existing plans, provided the alternative plans meet the requirements outlined below.

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

The plan shall include the following elements:

- (A) The plan shall specify the operation and maintenance criteria for the affected source, the add-on air pollution control device, and the process and control system monitoring equipment and shall include a standardized checklist to document the operation and maintenance of this equipment;
- (B) The plan shall incorporate the work practice standards for the device and monitoring equipment as identified in §63.342 Table 1
- (C) The plan shall specify procedures to be followed to ensure that equipment or process malfunctions due to poor maintenance or other preventable conditions do not occur; and
- (D) The Plan shall include a systematic procedure for identifying malfunctions of process equipment, add-on air pollution control devices, and process and control system monitoring equipment and for implementing corrective actions to address such malfunctions.

**2. Emission Limitations:**

Chromic Acid emissions shall not exceed 0.015 mg/dscm of ventilation air. §63.342(c)(1)(i)

Compliance shall be demonstrated by maintaining operating parameters of control equipment established during the initial compliance demonstration.

**3. Testing Requirements:**

Testing to determine chromium emissions shall be done in accordance with test methods established in §63.344(c).

**4. Specific Monitoring Requirements:**

Pressure drop across the composite mesh pad shall be monitored once per day that the affected source is operating. §63.343(c)(1)(ii)

**5. Specific Recordkeeping Requirements:**

The following records shall be maintained for a period of 5 years:

- 1. Inspection and maintenance records for the composite mesh pad scrubber, the affected source and all associated monitoring equipment;
- 2. The occurrence, duration, and cause of each malfunction of the process, mesh-pad scrubber, monitoring equipment, and actions taken;
- 3. Actions taken during periods of malfunction when such actions are inconsistent with the operating and maintenance plan;
- 4. Other records, which may take the form of checklists, necessary to demonstrate consistency with the provisions of operation and maintenance plan;
- 5. Test reports, which document the result of all performance tests;
- 6. All measurements necessary to determine the operating conditions of performance test and monitoring data as required above;
- 7. Monitoring data required by §63.343(c) that are used to demonstrate compliance with the

standard including the date and time the data are collected;

## **SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

8. The specific identification (i.e., the date and time of commencement and completion) of each period of excess emission, as indicated by monitoring data, that occurs during malfunction of the process, add-on air pollution control, or monitoring equipment;
9. The specific identification (i.e., the date and time of commencement and completion) of each period of excess emission, as indicated by monitoring data, that occurs during periods other than malfunction of the process, add-on air pollution control, or monitoring equipment;
10. The total process operating time of the affected source during the reporting period.

### **6. Specific Reporting Requirements:**

The permittee shall submit semi-annually an ongoing compliance status report. The report shall contain the following information:

1. Company name and address of the affected source;
2. Identification of the operating parameter that is monitored for compliance tracking determination;
3. The relevant emission limitation for the affected source, and the operating parameter value, or range of operating parameter values, that correspond to compliance with this emission limitation;
4. The beginning and ending dates of the reporting period;
5. A description of the type of process performed in the affected source;
6. The total operating time of the affected source during the reporting period;
7. A summary of operating parameter values, including the total duration of excess emissions during the reporting period as indicated by those values, the total duration of excess emissions expressed as a percent of the total source operating time during that reporting period, and a breakdown of the total duration of excess emissions during the reporting period into those that are due to process upsets, control equipment malfunctions, other known causes and unknown causes.
8. A certification by a responsible official, that the work practice standards in §63.342(f) were followed in accordance with the operation and maintenance plan for the source;
9. If the operation and maintenance plan was not followed, an explanation of the reasons for not following the provisions, an assessment of whether any excess emission and/or parameter monitoring exceedances are believed to have occurred, and a copy of the report(s) required by §63.342(f)(3)(iv) documenting that the operation and maintenance plan was not followed;
10. A description of any changes in monitoring, processes, or controls since the last reporting period;
11. The name, title, and signature of the responsible official who is certifying the accuracy of the report; and
12. The date of the report.

### **7. Specific Control Equipment Operating Conditions:**

See Section E



8. Alternate Operating Scenarios: None

**SECTION B - EMISSION POINTS, EMISSIONS UNITS, APPLICABLE REGULATIONS, AND OPERATING CONDITIONS (CONTINUED)**

**03 Boilers**

**Description:**

7 Natural gas-fired units

Total Rated capacity: 18.75 mmBTU/hr

Rated Capacity and installation date for each boiler:

EP07	Boiler – chrome line – 4 mmBTU/hr (1991)
EP08	Boiler – chrome line – 2 mmBTU/hr (1992)
EP09	Boiler – chrome line – 2.5 mmBTU/hr (1994)
EP10	Boiler – ES1 – 2.5 mmBTU/hr (1999)
EP11	Boiler – ES2 – 2.25 mmBTU/hr (2001)
EP12	Boiler – EC1 – 4 mmBTU/hr (1999)
EP13	Boiler – EC2 – 2 mmBTU/hr (1999)

**APPLICABLE REGULATIONS:**

401 KAR 59:015 – New indirect heat exchangers.

Applicable to an emission unit with a rated capacity less than 250 mmBTU/hr and commenced on or after April 9, 1972.

**1. Operating Requirements:**

Only natural gas shall be used as the fuel.

**2. Emission Limitations:**

Emissions will be considered in compliance with limitations expressed in 401 KAR 59:015 as long as the condition of the Operating Requirement section, above, is met.

**3. Specific Monitoring and Testing Requirements:**

The permittee shall monitor the amount of natural gas used on a monthly basis.

**4. Specific Recordkeeping Requirements:**

The permittee shall keep records of the amount of natural gas used on a monthly basis.

**5. Specific Reporting Requirements:**

See Section F

**6. Specific Control Equipment Operating Conditions:**

NA

**7. Compliance Certification Requirements:**

NA

**SECTION C - INSIGNIFICANT ACTIVITIES**

The following listed activities have been determined to be insignificant activities for this source pursuant to 401 KAR 52:020, Section 6. While these activities are designated as insignificant the permittee must comply with the applicable regulation and some minimal level of periodic monitoring may be necessary.

<u>Description</u>	<u>Generally Applicable Regulation</u>
1. Cooling Towers – 5	59:010
2. 4 Hand paint touch up stations	59:010
3. Groundwater treatment system	59:010
4. Grinding lathes	59:010
5. Wastewater treatment	59:010
6. 2 Electrocoat paint lines (alk. Cleaners, Phosphate, rinse conditioner)	59:010
7. 2 Shock oil storage tanks	NA
8. Weld line South STW	59:010
9. Weld line – STW 1-8	59:010
10. 4 Stamping presses	59:010
11. 7 vibratory washers	59:010
12. 14 resistance welders shock assembly	59:010
13. 10 resistance welders sub-shock assembly	59:010
14. 6 arc welders shock sub-assembly	59:010
15. 4 dust/mist collectors	59:010
16: ES-1 pretreatment	59:010
17. ES-2 pretreatment	59:010
18. Zinc plating	59:010
19. 4 Blow mold machines	59:010

**SECTION D - SOURCE EMISSION LIMITATIONS AND TESTING REQUIREMENTS**

1. As required by Section 1b of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26; compliance with annual emissions and processing limitations contained in this permit, shall be based on emissions and processing rates for any twelve (12) consecutive months.
2. PM, VOC, and Chromic acid emissions, as measured by methods referenced in 401 KAR 50:015, Section 1, shall not exceed the respective limitations specified herein.

## **SECTION E - SOURCE CONTROL EQUIPMENT REQUIREMENTS**

Pursuant to 401 KAR 50:055, Section 2(5), at all times, including periods of startup, shutdown and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Division which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

## **SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS**

1. Pursuant to Section 1b (IV)1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26, when continuing compliance is demonstrated by periodic testing or instrumental monitoring, the permittee shall compile records of required monitoring information that include:
  - a. Date, place as defined in this permit, and time of sampling or measurements;
  - b. Analyses performance dates;
  - c. Company or entity that performed analyses;
  - d. Analytical techniques or methods used;
  - e. Analyses results; and
  - f. Operating conditions during time of sampling or measurement.
2. Records of all required monitoring data and support information, including calibrations, maintenance records, and original strip chart recordings, and copies of all reports required by the Division for Air Quality, shall be retained by the permittee for a period of five years and shall be made available for inspection upon request by any duly authorized representative of the Division for Air Quality [Sections 1b(IV) 2 and 1a(8) of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. In accordance with the requirements of 401 KAR 52:020 Section 3(1)h the permittee shall allow authorized representatives of the Cabinet to perform the following during reasonable times:
  - a. Enter upon the premises to inspect any facility, equipment (including air pollution control equipment), practice, or operation;
  - b. To access and copy any records required by the permit;
  - c. Sample or monitor, at reasonable times, substances or parameters to assure compliance with the permit or any applicable requirements.Reasonable times are defined as during all hours of operation, during normal office hours; or during an emergency.
4. No person shall obstruct, hamper, or interfere with any Cabinet employee or authorized representative while in the process of carrying out official duties. Refusal of entry or access may constitute grounds for permit revocation and assessment of civil penalties.
5. Summary reports of any monitoring required by this permit, other than continuous emission or opacity monitors, shall be submitted to the Regional Office listed on the front of this permit at least every six (6) months during the life of this permit, unless otherwise stated in this permit. For emission units that were still under construction or which had not commenced operation at the end of the 6-month period covered by the report and are subject to monitoring requirements in this permit, the report shall indicate that no monitoring was performed during the previous six months because the emission unit was not in operation [Section 1b (V )1 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

6. The semi-annual reports are due by January 30th and July 30th of each year. *Data from the continuous emission and opacity monitors shall be reported to the Technical Services Branch in accordance with the requirements of 401 KAR 59:005, General Provisions, Section 3(3).* All reports shall be certified by a responsible official pursuant to 401 KAR 52:020 Section 23. All deviations from permit requirements shall be clearly identified in the reports.
7. In accordance with the provisions of 401 KAR 50:055, Section 1 the owner or operator shall notify the Regional Office listed on the front of this permit concerning startups, shutdowns, or malfunctions as follows:
  - a. When emissions during any planned shutdowns and ensuing startups will exceed the standards notification shall be made no later than three (3) days before the planned shutdown, or immediately following the decision to shut down, if the shutdown is due to events which could not have been foreseen three (3) days before the shutdown.
  - b. When emissions due to malfunctions, unplanned shutdowns and ensuing startups are or may be in excess of the standards, notification shall be made as promptly as possible by telephone (or other electronic media) and shall submit written notice upon request.
8. The owner or operator shall report emission related exceedances from permit requirements including those attributed to upset conditions (other than emission exceedances covered by Section F.7. above) to the Regional Office listed on the front of this permit within *30 days*. Other deviations from permit requirements shall *be included in the semiannual report required by Section F.6* [Section 1b (V) 3, 4. of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. Pursuant to 401 KAR 52:020, Permits, Section 21, the permittee shall annually certify compliance with the terms and conditions contained in this permit, by completing and returning a Compliance Certification Form (DEP 7007CC) (or an alternative approved by the regional office) to the Regional Office listed on the front of this permit and the U.S. EPA in accordance with the following requirements:
  - a. Identification of the term or condition;
  - b. Compliance status of each term or condition of the permit;
  - c. Whether compliance was continuous or intermittent;
  - d. The method used for determining the compliance status for the source, currently and over the reporting period.
  - e. For an emissions unit that was still under construction or which has not commenced operation at the end of the 12-month period covered by the annual compliance certification, the permittee shall indicate that the unit is under construction and that compliance with any applicable requirements will be demonstrated within the timeframes specified in the permit.

**SECTION F - MONITORING, RECORD KEEPING, AND REPORTING REQUIREMENTS (CONTINUED)**

- f. The certification shall be postmarked by January 30th of each year. Annual compliance certifications should be mailed to the following addresses:

Division for Air Quality  
Frankfort Regional Office  
[643 Teton Trail, Suite B](#)  
[Frankfort, KY 40601-1758](#)

U.S. EPA Region IV  
Air Enforcement Branch  
Atlanta Federal Center  
61 Forsyth St.  
Atlanta, GA 30303-8960

Division for Air Quality  
Central Files  
803 Schenkel Lane  
Frankfort, KY 40601

10. In accordance with 401 KAR 52:020, Section 22, the permittee shall provide the Division with all information necessary to determine its subject emissions within thirty (30) days of the date the KYEIS emission survey is mailed to the permittee.
11. Pursuant to Section VII (3) of the policy manual of the Division for Air Quality as referenced in 401 KAR 50:016, Section 1(1), results of performance test(s) required by the permit shall be submitted to the Division by the source or its representative within forty-five days after the completion of the fieldwork.



**SECTION G - GENERAL PROVISIONS****(a) General Compliance Requirements**

1. The permittee shall comply with all conditions of this permit. Noncompliance shall be a violation of 401 KAR 52:020 and of the Clean Air Act and is grounds for enforcement action including but not limited to termination, revocation and reissuance, revision or denial of a permit [Section 1a, 3 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020 Section 26].
2. The filing of a request by the permittee for any permit revision, revocation, reissuance, or termination, or of a notification of a planned change or anticipated noncompliance, shall not stay any permit condition [Section 1a, 6 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
3. This permit may be revised, revoked, reopened and reissued, or terminated for cause in accordance with 401 KAR 52:020, Section 19. The permit will be reopened for cause and revised accordingly under the following circumstances:
  - a. If additional applicable requirements become applicable to the source and the remaining permit term is three (3) years or longer. In this case, the reopening shall be completed no later than eighteen (18) months after promulgation of the applicable requirement. A reopening shall not be required if compliance with the applicable requirement is not required until after the date on which the permit is due to expire, unless this permit or any of its terms and conditions have been extended pursuant to 401 KAR 52:020, Section 12;
  - b. The Cabinet or the U. S. EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements;
  - c. The Cabinet or the U. S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit;

Proceedings to reopen and reissue a permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of the permit for which cause to reopen exists. Reopenings shall be made as expeditiously as practicable. Reopenings shall not be initiated before a notice of intent to reopen is provided to the source by the Division, at least thirty (30) days in advance of the date the permit is to be reopened, except that the Division may provide a shorter time period in the case of an emergency.

4. The permittee shall furnish information upon request of the Cabinet to determine if cause exists for modifying, revoking and reissuing, or terminating the permit; or compliance with the conditions of this permit [Section 1a, 7,8 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
5. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such facts or corrected information to the permitting authority [401 KAR 52:020, Section 7(1)].

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

6. Any condition or portion of this permit which becomes suspended or is ruled invalid as a result of any legal or other action shall not invalidate any other portion or condition of this permit [Section 1a, 14 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
7. The permittee shall not use as a defense in an enforcement action the contention that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance [Section 1a, 4 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
8. Except for requirements identified in this permit as state-origin requirements, all terms and conditions shall be enforceable by the United States Environmental Protection Agency and citizens of the United States [Section 1a, 15 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
9. This permit shall be subject to suspension if the permittee fails to pay all emissions fees within 90 days after the date of notice as specified in 401 KAR 50:038, Section 3(6) [Section 1a, 10 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
10. Nothing in this permit shall alter or affect the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance [401 KAR 52:020, Section 11(3)(b)].
11. This permit does not convey property rights or exclusive privileges [Section 1a, 9 of the *Cabinet Provisions and Procedures for Issuing Title V Permits* incorporated by reference in 401 KAR 52:020, Section 26].
12. Issuance of this permit does not relieve the permittee from the responsibility of obtaining any other permits, licenses, or approvals required by the Kentucky Cabinet for Natural Resources and Environmental Protection or any other federal, state, or local agency.
13. Nothing in this permit shall alter or affect the authority of U.S. EPA to obtain information pursuant to Federal Statute 42 USC 7414, Inspections, monitoring, and entry [401 KAR 52:020, Section 11(3)(d)].
14. Nothing in this permit shall alter or affect the authority of U.S. EPA to impose emergency orders pursuant to Federal Statute 42 USC 7603, Emergency orders [401 KAR 52:020, Section 11(3)(a)].
15. This permit consolidates the authority of any previously issued PSD, NSR, or Synthetic Minor source preconstruction permit terms and conditions for various emission units and incorporates all requirements of those existing permits into one single permit for this source.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

16. Pursuant to 401 KAR 52:020, Section 11, a permit shield shall not protect the owner or operator from enforcement actions for violating an applicable requirement prior to or at the time of issuance. Compliance with the conditions of a permit shall be considered compliance with:
  - (a) Applicable requirements that are included and specifically identified in the permit and
  - (b) Non-applicable requirements expressly identified in this permit.
- (b) Permit Expiration and Reapplication Requirements
  1. This permit shall remain in effect for a fixed term of five (5) years following the original date of issue. Permit expiration shall terminate the source's right to operate unless a timely and complete renewal application has been submitted to the Division at least six months prior to the expiration date of the permit. Upon a timely and complete submittal, the authorization to operate within the terms and conditions of this permit, including any permit shield, shall remain in effect beyond the expiration date, until the renewal permit is issued or denied by the Division [401 KAR 52:020, Section 12].
  2. The authority to operate granted shall cease to apply if the source fails to submit additional information requested by the Division after the completeness determination has been made on any application, by whatever deadline the Division sets [401 KAR 52:020 Section 8(2)].
- (c) Permit Revisions
  1. A minor permit revision procedure may be used for permit revisions involving the use of economic incentive, marketable permit, emission trading, and other similar approaches, to the extent that these minor permit revision procedures are explicitly provided for in the SIP or in applicable requirements and meet the relevant requirements of 401 KAR 52:020, Section 14(2).
  2. This permit is not transferable by the permittee. Future owners and operators shall obtain a new permit from the Division for Air Quality. The new permit may be processed as an administrative amendment if no other change in this permit is necessary, and provided that a written agreement containing a specific date for transfer of permit responsibility coverage and liability between the current and new permittee has been submitted to the permitting authority within ten (10) days following the transfer.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

(d) Acid Rain Program Requirements

1. If an applicable requirement of Federal Statute 42 USC 7401 through 7671q (the Clean Air Act) is more stringent than an applicable requirement promulgated pursuant to Federal Statute 42 USC 7651 through 7651o (Title IV of the Act), both provisions shall apply, and both shall be state and federally enforceable.

(e) Emergency Provisions

1. Pursuant to 401 KAR 52:020 Section 24(1), an emergency shall constitute an affirmative defense to an action brought for the noncompliance with the technology-based emission limitations if the permittee demonstrates through properly signed contemporaneous operating logs or relevant evidence that:
  - a. An emergency occurred and the permittee can identify the cause of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During an emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
  - d. Pursuant to 401 KAR 52:020, 401 KAR 50:055, and KRS 224.01-400, the permittee notified the Division as promptly as possible and submitted written notice of the emergency to the Division when emission limitations were exceeded due to an emergency. The notice shall include a description of the emergency, steps taken to mitigate emissions, and corrective actions taken.
  - e. This requirement does not relieve the source of other local, state or federal notification requirements.
2. Emergency conditions listed in General Condition (f)1 above are in addition to any emergency or upset provision(s) contained in an applicable requirement [401 KAR 52:020, Section 24(3)].
3. In an enforcement proceeding, the permittee seeking to establish the occurrence of an emergency shall have the burden of proof [401 KAR 52:020, Section 24(2)].

(f) Risk Management Provisions

1. The permittee shall comply with all applicable requirements of 401 KAR Chapter 68, Chemical Accident Prevention, which incorporates by reference 40 CFR Part 68, Risk Management Plan provisions. If required, the permittee shall comply with the Risk Management Program and submit a Risk Management Plan to:

RMP Reporting Center  
P.O. Box 3346  
Merrifield, VA, 22116-3346

2. If requested, submit additional relevant information to the Division or the U.S. EPA.

**SECTION G - GENERAL PROVISIONS (CONTINUED)**

(g) Ozone depleting substances

1. The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
  - a. Persons opening appliances for maintenance, service, repair, or disposal shall comply with the required practices contained in 40 CFR 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances shall comply with the standards for recycling and recovery equipment contained in 40 CFR 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances shall be certified by an approved technician certification program pursuant to 40 CFR 82.161.
  - d. Persons disposing of small appliances, MVACs, and MVAC-like appliances (as defined at 40 CFR 82.152) shall comply with the recordkeeping requirements pursuant to 40 CFR 82.166
  - e. Persons owning commercial or industrial process refrigeration equipment shall comply with the leak repair requirements pursuant to 40 CFR 82.156.
  - f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant shall keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR 82.166.
2. If the permittee performs service on motor (fleet) vehicle air conditioners containing ozone-depleting substances, the source shall comply with all applicable requirements as specified in 40 CFR 82, Subpart B, *Servicing of Motor Vehicle Air Conditioners*.